



City of NORFOLK

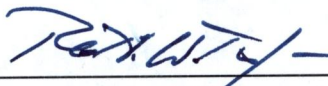
C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia


June 10, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special exceptions to operate an automobile and truck repair facility and the sale of alcoholic beverages for off-premises consumption – Sam's Club.**

Reviewed: 
Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 3/7

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-2

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** To allow Sam's Club to operate a car repair facility and to sell alcoholic beverages for off-premises consumption.
- IV. **Applicant:** Sam's Club by Thomas C. Kleine
741 East Little Creek Road
- V. **Description**
 - The applicant is proposing to demolish the existing building on the site, Super K-Mart, and develop it with a 135,000 square foot Sam's Club.
 - Unlike the existing building, the new building will be set back from Tidewater Drive and line up more closely with the Wal-Mart building.
 - Parking will be located in front of the building and to the south.
 - The site will continue to be accessed from Tidewater Drive and East Little Creek Road.
 - The site is zoned C-3 (Retail Center) which permits the sale of alcoholic beverages for off-premises consumption and automobile and truck repair by special exception.
 - The automobile repair facility will be located on the southwest corner of the building.
 - The hours of operation are from 7:00 a.m. to 8:30 p.m., Monday through Saturday and from 10:00 a.m. to 6:00 p.m. on Sunday.
 - The sale of alcoholic beverage for off-premises consumption will be from 7:00 a.m. to 8:30 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday.
- VI. Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated May 22, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

May 22, 2014

From: Susan Pollock, CFM *SP*
Principal Planner

Subject: The following special exceptions on property located at 741 East Little Creek Road – Sam's Club:

- a. To operate an automobile and truck repair facility.
- b. For the sale of alcoholic beverages for off-premises consumption.

Reviewed: Leonard M. Newcomb, III, CFM *L.M.N.* Ward/Superward: 3/7
Land Use Services Manager

Approved:

George M. Homewood
George M. Homewood, AICP, CFM
Planning Director

Item Number: 4

- I. **Recommendation:** Staff recommends approval of the special exceptions subject to the conditions contained in the ordinances, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicants:** Sam's Club by Thomas C. Kleine
741 East Little Creek Road
- III. **Description:**
The applicant is proposing to redevelop this site with a Sam's Club including an automobile and truck repair facility and the sale of alcoholic beverages for off-premises consumption.
- IV. **Analysis**
The site is located on the southeast side of East Little Creek Road and Tidewater Drive.

Plan Analysis

- The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as commercial.

Zoning Analysis

- The applicant is proposing to demolish the existing building on the site, Super K-Mart, and develop it with a 135,000 square foot Sam's Club.
- Unlike the existing building, the new building will be set back from Tidewater Drive and line up more closely with the Wal-Mart building.

- Parking will be located in front of the building and to the south.
- The site will continue to be accessed from Tidewater Drive and East Little Creek Road.
- The site is zoned C-3 (Retail Center) which permits the sale of alcoholic beverages for off-premises consumption and automobile and truck repair by special exception.
- The automobile repair facility will be located on the southwest corner of the building.
 - The hours of operation are from 7:00 a.m. to 8:30 p.m., Monday through Saturday and from 10:00 a.m. to 6:00 p.m. on Sunday.
- The sale of alcoholic beverage for off-premises consumption will be from 7:00 a.m. to 8:30 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday.

Parking Analysis

- Under current parking regulations, the center is required to have 546 parking spaces and 69 bicycle parking spaces.
- The applicant complies with the parking requirement.

Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this automobile repair use will generate 122 new vehicle trips per day.
- ITE figures also estimate that the additional 33,700 square feet of retail space to be developed on the site will generate 1,447 more daily trips than the prior retail use.
- Neither Tidewater Drive nor Little Creek Road are listed as being severely congested in the most recent update of the regional Congestion Management System study.
- The site is near frequent bus service with Route 8 operating along Tidewater Drive and Little Creek Road and the adjacent to the site and Routes 5 and 21 serving Little Creek Road north of the site.

V. Financial Impact

- The property owner is current on taxes.
- The addition of a new commercial use on the site will generate additional tax revenue.

VI. Environmental

- The proposed development will be required to obtain Site Plan approval including landscaping and stormwater improvements.

VII. Community Outreach/Notification

- Legal notice was posted on the property on April 15.
- Letters were mailed to all property owners within 300 feet of the property on May 7.
- Legal notification was placed in *The Virginian-Pilot* on May 8 and 15.

VIII. Coordination/Outreach

This letter has been coordinated with the Departments of Planning and Community Development and Public Works and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- Applications

Proponents and Opponents

Proponents

Thomas C. Kleine
222 Central Park Avenue
Virginia Beach, VA 23412

Carl Hultgren
4343 Cox Road
Glen Allen, VA 23116

Douglas Plummer
211 N. Record
Dallas, TX 75202

John Wright
Bohler Engineering
28 Blackwell
Warrenton, VA 20186

Opponents

None

Form and Correctness Approved:

Contents Approved:

By Adrian Hall
Office of the City Attorney

By SP
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE AND TRUCK REPAIR FACILITY KNOWN AS "SAM'S CLUB" ON PROPERTY LOCATED AT 741 EAST LITTLE CREEK ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile and Truck Repair facility known as "Sam's Club" on property located at 741 East Little Creek Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 647 feet, more or less, along the southern line of East Little Creek Road, beginning 438 feet, more or less, from the eastern line of Tidewater Drive and extending eastwardly; premises numbered 741 East Little Creek Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be from 7:00 a.m. until 8:30 p.m. Monday through Saturday and from 10:00 a.m. until 6:00 p.m. on Sunday. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) No razor wire shall be permitted on the site.
- (c) No wrecked or inoperative vehicle shall be kept on the property without a work order or an insurance claim form.
- (d) No tires or other vehicle parts shall be stored outside.

- (e) All repair work shall be done inside the building. No repair work may take place outside.
- (f) The property shall be kept in a clean and sanitary condition at all times.
- (g) No automobile on the site which has been or is waiting to be serviced shall be parked or stored in any public right-of-way.
- (h) The facility shall maintain a current, active business license at all times while in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection,

refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO SAM'S EAST, INC. AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "SAM'S CLUB" ON PROPERTY LOCATED AT 741 EAST LITTLE CREEK ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Sam's East, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Sam's Club" on property located at 741 East Little Creek Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 647 feet, more or less, along the southern line of East Little Creek Road, beginning 438 feet, more or less, from the eastern line of Tidewater Drive and extending eastwardly; premises numbered 741 East Little Creek Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 7:00 a.m. until 8:30 p.m. Monday through Saturday and from 10:00 a.m. until 6:00 p.m. on Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new

owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles with the exception of refillable containers at least 32 oz. capacity.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are

kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (4 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: April 7, 2014

Name of business: Sam's Club

Address of business: 741 E. Little Creek Road

Name(s) of business owner(s)*: Sam's East, Inc.

Name(s) of property owner(s)*: Little Tidewater Associates, LLC - Timothy M. Finn

Name(s) of business manager(s)/operator(s):

Daytime telephone number ():

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 7:00 am To 8:30 pm

Friday From 7:00 am To 8:30 pm

Saturday From 7:00 am To 8:30 pm

Sunday From 10:00 am To 6:00pm

Alcoholic Beverage Sales

Weekday From 7:00 am To 8:30 pm

Friday From 7:00 am To 8:30 pm

Saturday From 7:00 am To 8:30 pm

Sunday From 10:00 am To 6:00pm

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:



Signature of applicant/owner
Council to Applicant

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Timothy M. Fox, Manager, Little
Signature of applicant/owner *Tidewater Associates,*
4/3/14 *LLC*

Adult Use Special Exception Application
Alcoholic Beverages for Off-Premises Consumption

The Applicant, a large national retailer, proposes to develop an approximate 134,500 square foot membership retail store on the site of a vacant retail building located near the corner of East Little Creek Road and Tidewater Drive. The store would sell refrigerated and non-refrigerated beer and wine for off-premises consumption as part of its grocery component, in compliance with all Virginia codes and alcoholic beverages regulations.

Sam's Club
741 E. Little Creek Road
Sale of Alcoholic Beverages for Off-Premises Consumption Conditions

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 7:00 a.m. to 8:30 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sunday.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The business authorized by this Special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this special exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be

deemed a violation of this special exception. The special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

- (h) A copy of this special exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the *Zoning Ordinance of the City of Norfolk*, 1992 (as amended), entitled "Signs."

Print Name: Thomas C. Kline, Counsel to Applicant

Sign: Thomas C. Kline, Esq. Date: 5-22-14

Sam's Club
741 E. Little Creek Road
Automobile and Truck Repair Establishment Conditions

- (a) The hours of operation for the facility shall be from 7:00 a.m. to 8:30 p.m., Monday through Saturday and from 10:00 a.m. to 6:00 p.m. on Sunday. No use of the facility for any purpose shall be permitted outside of the hours of operation listed herein.
- (b) No razor wire shall be permitted on the site.
- (c) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim.
- (d) All repair work shall be done inside the building. No repair work may take place outside.
- (e) The property shall be kept in a clean and sanitary condition at all times.
- (f) No automobile associated with this facility shall be parked in any public right-of way.

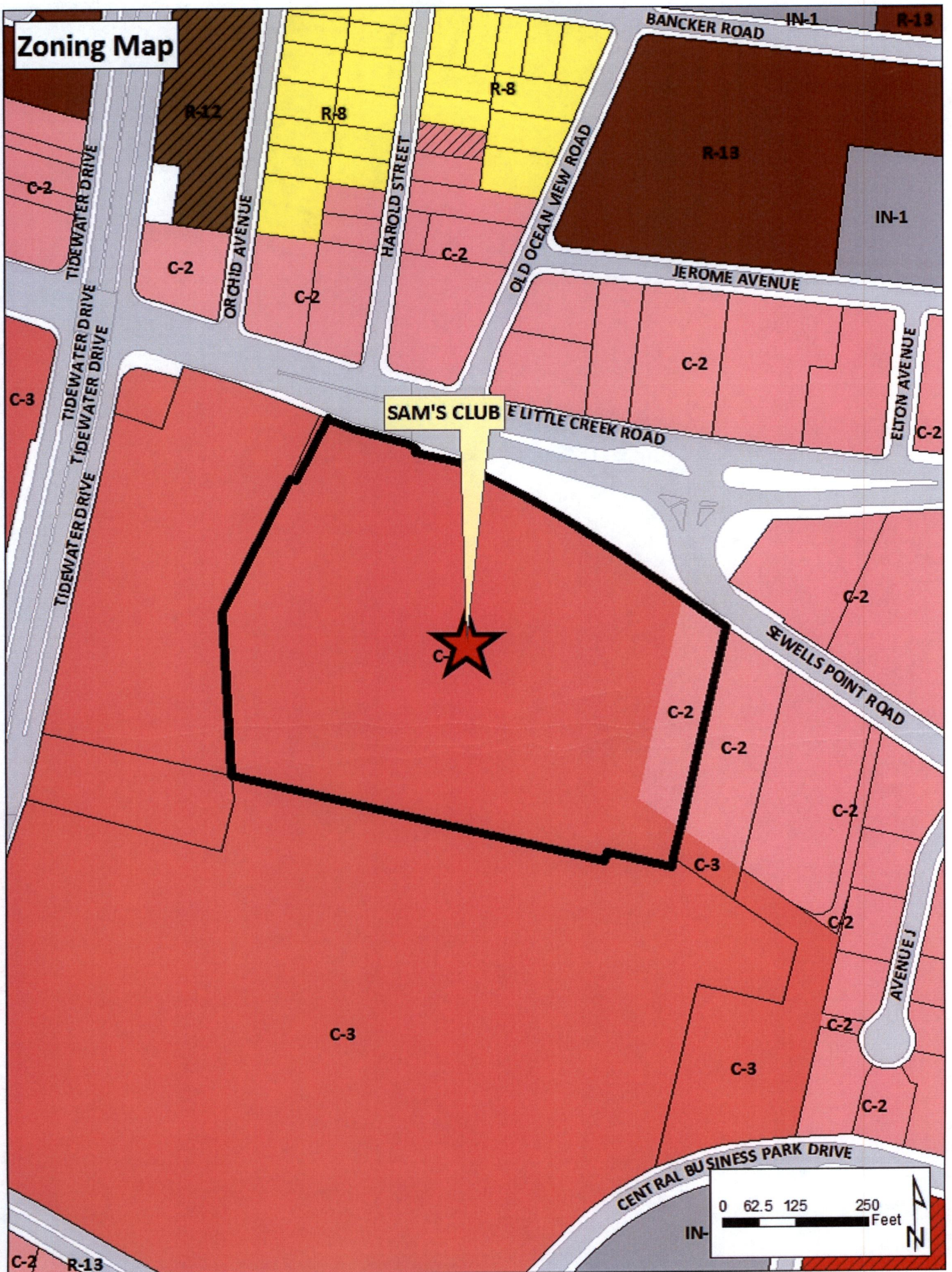
Print Name: Thomas C. Klein, Counsel to Applicant

Sign: Thomas C. Klein, Esq. Date: 5.22.14

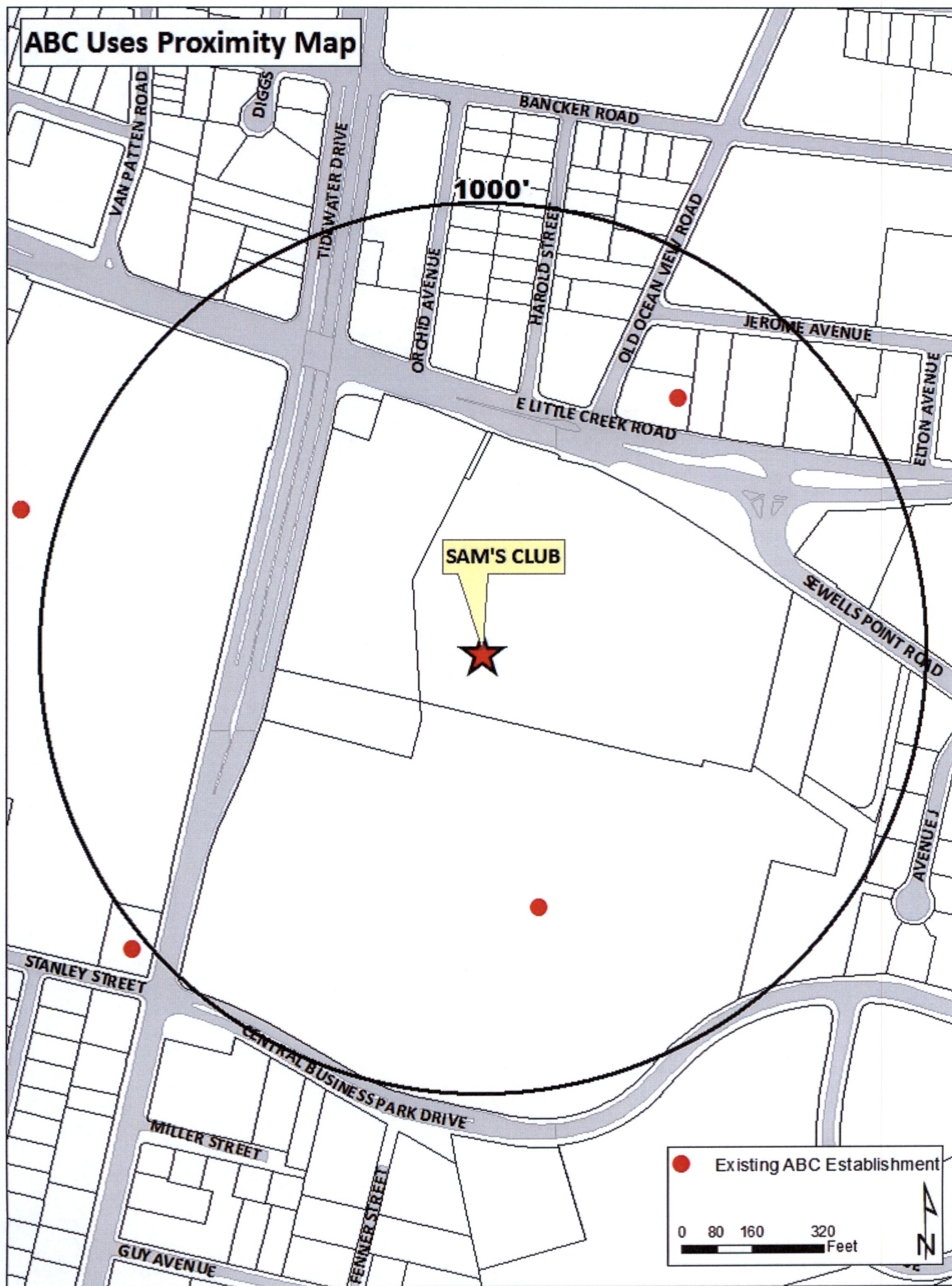
Location Map



Zoning Map



ABC Uses Proximity Map





**APPLICATION
SPECIAL EXCEPTION**

Special Exception for:

Date of application:

DESCRIPTION OF PROPERTY

Property location: (Street Number) **(Street Name)**

Existing Use of Property

Current Building Square Footage

Proposed Use

Proposed Square Footage

Proposed Hours of Operation:

Weekday **From** **To**

Friday **From** **To**

Saturday **From** **To**

Sunday **From** **To**

Trade Name of Business (If applicable)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Application
Special Exception
Page 2

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant Fax number

E-mail address of applicant:

2. Name of property owner: (Last) (First) (MI)

Timothy M. Finn

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner Fax number

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: TIMOTHY M. FINN Sign: Timothy M. Finn 11/13/2014 LLC
(Property Owner or Authorized Agent Signature) (Date) *manager Little Tidewater Associates*

Print name: Thomas C. Klein Sign: Thomas C. Klein 4/7/14
(Applicant or Authorized Agent Signature) (Date) *Counsel to Applicant*

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Timothy M. Furr, Manager Little Tidewater Associates, LLC Sign: Timothy M. Furr 4/13/2014
(Property Owner or Authorized Agent Signature) (Date)

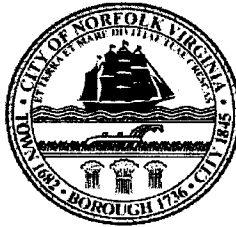
Print name: _____ Sign: _____ / _____ / _____
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: April 7, 2014

DESCRIPTION OF PROPERTY

Property location: (Street Number) 741 (Street Name) E. Little Creek Road

Existing Use of Property Vacant retail store

Current Building Square Footage 100,850

Proposed Use Sam's Club Membership Retail Store

Proposed Building Square Footage 134,550 square feet

Trade Name of Business (If applicable) Sam's Club

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) Sam's East, Inc. (First) (MI)

Mailing address of applicant (Street/P.O. Box): (c/o Mary Kendall, Esq., Legal), 2001 S.E. 10th Street, MS 5560

(City) Bentonville (State) AR (Zip Code) 27216

Daytime telephone number of applicant (757) 687-7789 Fax number ()

E-mail address of applicant: Agent: tom.kleine@troutmansanders.com

2. Name of property owner: (Last) Little Tidewater Associates, LLC (First) (MI) (*Timothy M. Finn*)

Mailing address of property owner (Street/P.O. box): P.O. Box 2491

(City) Norfolk (State) VA (Zip Code) 23501

Daytime telephone number of owner (757) 640-2268 Fax number ()

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July, 2013)

CIVIC LEAGUE INFORMATION

Civic League contact: N/A

Date(s) contacted: N/A

Ward/Super Ward information: Ward 3; Super Ward 7

REQUIRED ATTACHMENTS:

- ✓ Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - All existing and proposed structures,
 - Driveways,
 - Parking,
 - Landscaping,
 - Property lines (see attached example).
- ✓ Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- ✓ Completed Exhibit A, Description of Operations (attached).
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Timothy M. Fien Sign: Timothy M. Fien ^{manager Little Tulewath} 4/2/2014 ^{Associates, LLC}
(Property Owner or Authorized Agent Signature) (Date)

Print name: Thomas C. Klein Sign: Thomas C. Klein 4/7/14
(Applicant or Authorized Agent Signature) (Date)
Thomas C Klein (Counsel to Applicant)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application:

Name of business:

Address of business:

Name(s) of business owner(s)*:

Name(s) of property owner(s)*:

Name(s) of business manager(s)/operator(s):

Daytime telephone number ()

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From To

Friday From To

Saturday From To

Sunday From To

Alcoholic Beverage Sales

Weekday From To

Friday From To

Saturday From To

Sunday From To

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:



Signature of applicant/owner

Council to Applicant

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

Timothy M. Fair, Manager Little
Signature of applicant/owner *Tidewater Associates*
4/3/14 *LLC*

Adult Use Special Exception Application
Alcoholic Beverages for Off-Premises Consumption

The Applicant, a large national retailer, proposes to develop an approximate 134,500 square foot membership retail store on the site of a vacant retail building located near the corner of East Little Creek Road and Tidewater Drive. The store would sell refrigerated and non-refrigerated beer and wine for off-premises consumption as part of its grocery component, in compliance with all Virginia codes and alcoholic beverages regulations.

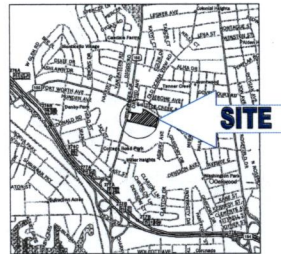
SPECIAL EXCEPTION PLAN

FOR

SAM'S CLUB

LOCATION OF SITE

EAST LITTLE CREEK ROAD
CITY OF NORFOLK, VIRGINIA



LOCATION MAP
COPYRIGHT 2003
DELORME STREET ATLAS 2004 PLUS USA
SCALE: 1"=2000'

OWNER/DEVELOPER
SAM'S EAST, INC, AN ARKANSAS CORPORATION
2001 S.E. 10TH STREET, SWDC
BENTONVILLE, ARKANSAS 72716-5520

PREPARED BY

BOHLER
ENGINEERING

28 BLACKWELL PARK LANE, SUITE 201

Phone: (540) 349-4500

Fax: (540) 349-0321

www.BohlerEngineering.com


CONTACT: JOHN C. WRIGHT, P.E.

CONTACT INFORMATION

GOVERNING AGENCIES

* CITY OF NORFOLK PLANNING DEPARTMENT
MATTHEW BRONE
810 UNION STREET
NORFOLK, VA 23510
SUITE 508
PHONE: (757) 694-4752

SHEET INDEX	
SHEET TITLE	SHEET NUMBER
COVER SHEET	1
EXISTING CONDITIONS	2
SPECIAL EXCEPTION PLAN	3



BOHLER

ENGINEERING

UTILITY & CONSULTING ENGINEERS

♦ F T T T T T T T ♦

PROJECT MANAGER

MANAGEMENT ENGINEERS, CONSULTANTS

10000 10TH STREET NW

CORPORATE OFFICE

♦ F T T T T T ♦

BOHLER AND

ASSOCIATES, INC.

10000 10TH STREET NW

SUITE 1000

MINNETONKA, MN 55343

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION:
EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARED TO
OBTAIN THE EARTH'S SURFACE ANYWHERE IN THE STATE,
IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND
DELAWARE CALL • 811
800 1-800-243-4848 (PA) 1-800-243-7777 (DC) 1-800-252-7777
(VA) 1-800-USA-3361 (MD) 1-800-252-7777 (DE) 1-800-252-8100

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	V13806
DRAWN BY:	DGH
CHECKED BY:	JCW
DATE:	4/3/2014
SCALE:	N/A
CAD LD.:	SES1

PROJECT: **SPECIAL
EXCEPTION
PLAN**
_____**FOR**_____



LOCATION OF SITE
EAST LITTLE CREEK ROAD
CITY OF NORFOLK
NORFOLK, VIRGINIA



28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com



SHEET TITLE:

COVER
SHEET

SHEET NUMBER:
1
OF 3

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND FULL COMPLIANCE WITH ALL APPLICABLE BUILDING CODES.

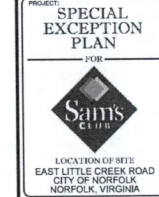
BOHLER ENGINEERING
 CIVIL & ENVIRONMENTAL ENGINEERS
 1000 W. 10TH ST. SUITE 100
 WARREN, VA 22091
 (540) 344-0001
 www.BohlerEngineering.com

REVISIONS

REV	DATE	COMMENT	BY
1	4/21/2014	PER CITY COMMENTS	JCH



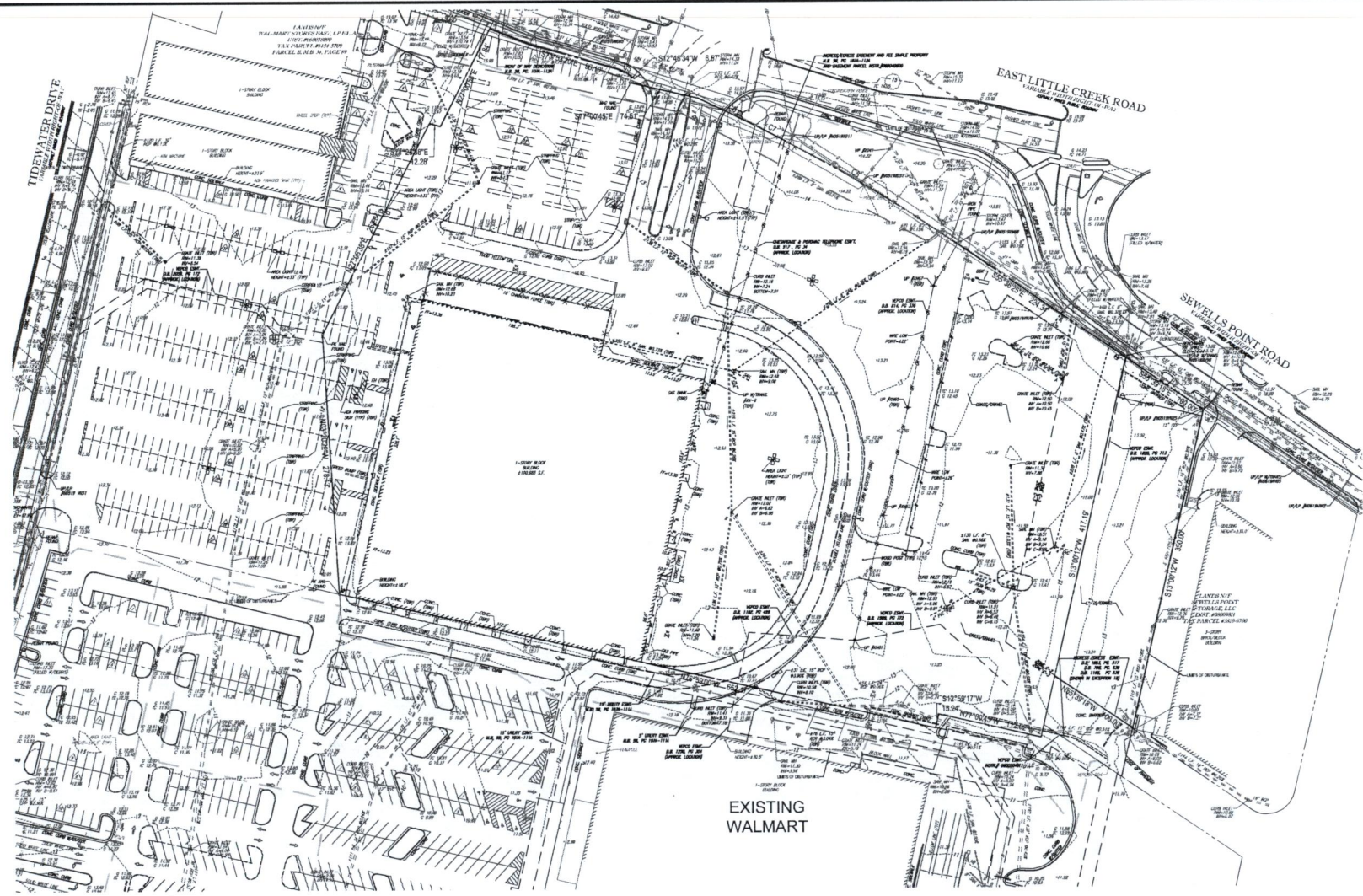
PROJECT: SPECIAL EXCEPTION PLAN
 LOCATION OF SITE: EAST LITTLE CREEK ROAD, CITY OF NORFOLK, VIRGINIA



BOHLER ENGINEERING
 1000 W. 10TH ST. SUITE 100
 WARREN, VA 22091
 Phone: (540) 344-0001
 Fax: (540) 344-0001
 www.BohlerEngineering.com



SHEET TITLE:
EXISTING CONDITIONS
 SHEET NUMBER:
 2 OF 3



IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTING CONDITIONS SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE CITY OF NORFOLK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE CITY OF NORFOLK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE CITY OF NORFOLK.

BOHLER ENGINEERING
 CIVIL ENGINEERING
 1000 W. 10TH ST. SUITE 100
 NORFOLK, VA 23510
 TEL: 757/644-0000
 FAX: 757/644-0001
 WWW.BOHLERENGINEERING.COM

REV	DATE	COMMENT	BY
1	4/21/2014	PER CITY COMMENTS	JCW

NOT APPROVED FOR CONSTRUCTION

PROJECT NO: 4212014
 DRAWN BY: JWC
 CHECKED BY: JWC
 DATE: 4/21/14
 SCALE: PWD
 CAD LID: SET1

SPECIAL EXCEPTION PLAN

FOR

Sams CLUB

LOCATION OF SITE
 EAST LITTLE CREEK ROAD
 CITY OF NORFOLK
 NORFOLK, VIRGINIA

BOHLER ENGINEERING

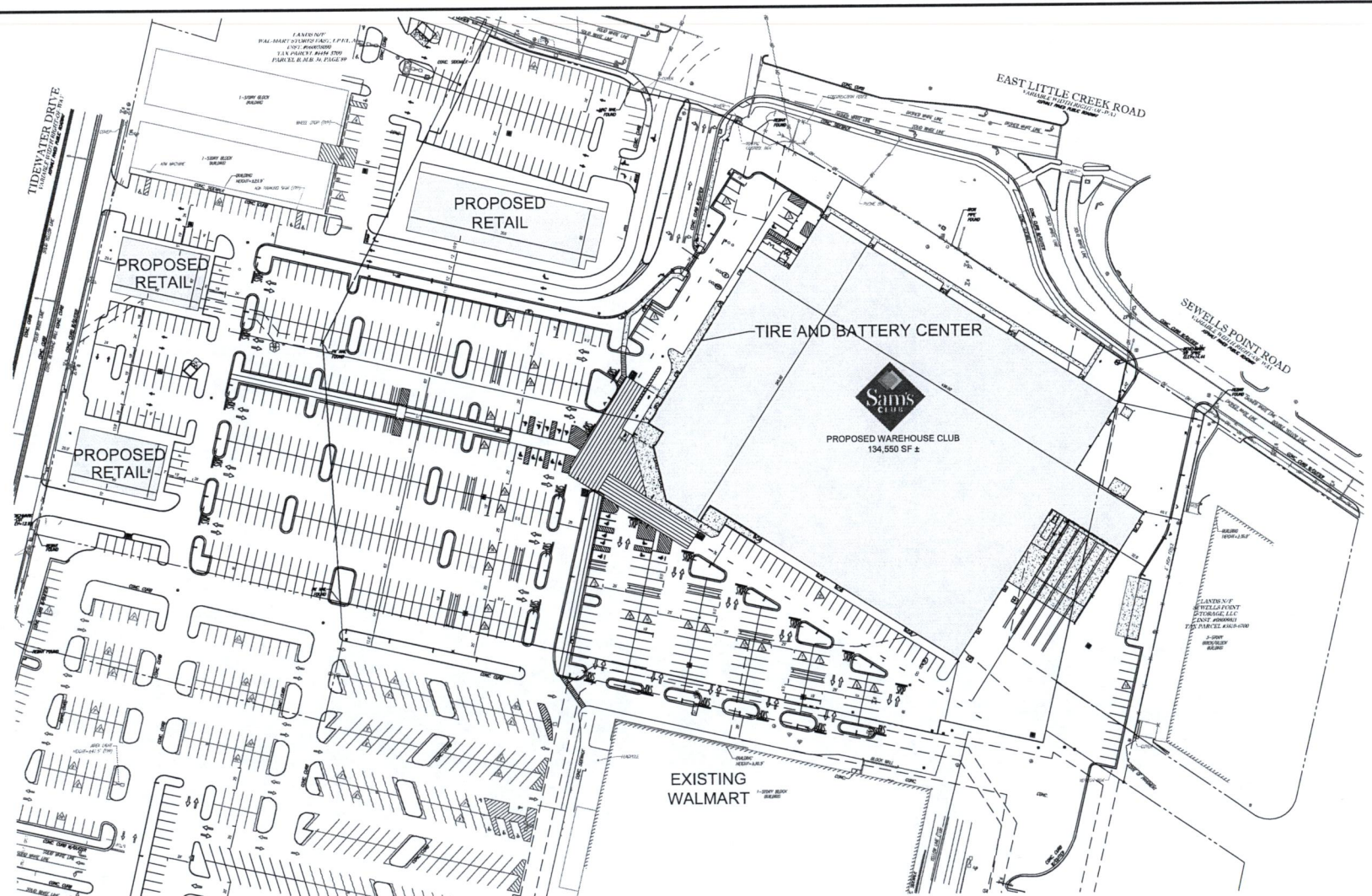
1000 W. 10TH ST. SUITE 100
 NORFOLK, VA 23510
 TEL: 757/644-0000
 FAX: 757/644-0001
 WWW.BOHLERENGINEERING.COM

SEAL OF THE CITY OF NORFOLK

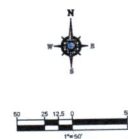
JOHN C. WRIGHT
 Lic. No. 046960
 4/21/2014

SPECIAL EXCEPTION PLAN

SHEET NUMBER:
 3
 OF 3



- SITE NOTES:**
1. SITE LOCATION EAST LITTLE CREEK ROAD, NORFOLK, VA.
 2. SITE AREA: APPROXIMATELY 10.64 ACRES.
 3. EXISTING ZONING: C-2.0.
 4. THIS PLAN IS BASED ON A BOUNDARY/TOPOGRAPHIC SURVEY.
 5. A SPECIAL EXCEPTION USE APPROVAL IS REQUIRED FOR:
 1. ALCOHOL BEVERAGE SALES.
 2. AUTO REPAIR.
 6. THE SPECIAL EXCEPTION PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A CONSTRUCTION DOCUMENT. DESIGN DETAILS REGARDING SITE IMPROVEMENTS WILL BE FURNISHED WITH THE SITE PLAN.



IT IS THE RESPONSIBILITY OF THE USER OF THIS PLAN TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NORFOLK, VIRGINIA, AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NORFOLK, VIRGINIA, AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NORFOLK, VIRGINIA.